

**ARTICLE \_\_ AMEND ZONING BYLAW & ZONING MAP - KELLEY'S CORNER**  
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw and Zoning Map as set forth in this article:

- A. On the Zoning Map, Map Number 1, establish the Kelley's Corner Master Planned Development (KC-MPD) Overlay District. It shall be superimposed on the underlying Kelley's Corner (KC) Zoning District and shall have the same area and boundaries as the KC Zoning District.
- B. In Section 4 - Overlay Districts, insert a new Section 4.5 as follows:

**Comment [r1]:** Review and adjust as needed; consider KC district appendix at Main & Prospect St.

**4.5 Kelley's Corner Master Planned Development (KC-MPD) Overlay District**

- 4.5.1 Purpose – To encourage, guide, and regulate larger-scale, mixed-use Master Planned Development (MPD) projects consistent with Acton 2020 and the Kelley's Corner Improvement Initiative. The MPD is available as an alternate and optional permitting path for development and redevelopment in Kelley's Corner. It provides phased permitting procedures to ensure comprehensive project planning, to expediting permitting, and to establish entitlement intended to facilitate project financing.
- 4.5.2 Delineation – The KC-MPD Overlay District shall be superimposed on the underlying Kelley's Corner (KC) Zoning District and shall have the same area and boundaries as the KC Zoning District.
- 4.5.3 Special Permit Granting Authority – The Planning Board shall be the designated the Special Permit Granting Authority for all special permits that are or may be required under the KC-MPD Overlay District regulations as set forth herein. It shall also function as the Authority for site plan approvals that may be required under the provisions of the KC-MPD Overlay District regulations.
- 4.5.4 Overview – The KC-MPD Overlay District creates thresholds, parameters, performance standards, and procedures for project eligibility, zoning framework, project review, and permitting. To qualify for an MPD, the TRACT OF LAND must meet minimum dimensions. Land assembly may be necessary to meet them. There are minimum and maximum parameters that set the zoning framework. All MPD's must comply with the framework. Within that framework is substantial flexibility for project layout and design, mixture of uses, parking arrangements, signage, landscaping, and project execution. Kelley's Corner Design Guidelines are established; they set forth the baseline of the Town's expectations for site layout, building design, and other relevant matters. Special permits and site plan approval procedures provide for Planning Board review, design review, public hearings, and input and guidance by the Town and other interested parties. Where special permits are discretionary and may be approved, approved with conditions, or denied, they ensure that MPD's result in projects that benefit the Town through their consistency with Acton 2020, the Kelley's Corner Improvement Initiative and the Kelley's Corner Design Guidelines. It is the hope and aspiration that a MPD proponent and the Town with its various agencies, departments and volunteer boards, and in particular its Design Review Board, will work together closely and cooperatively to achieve the most desirable project outcome.

**Comment [r2]:** Review and adjust as needed; consider KC district appendix at Main & Prospect St.

The first formal permitting step is a special permit for a MPD concept plan, preceded by a recommended but optional preliminary reviews and review meetings, and non-binding advisory decision by the Planning Board. When granted, the special permit for a MPD concept plan is the Master Permit for the MPD project and governs through conditions and limitations the entire MPD project in concept, and guides all subsequent permits, special permit, and review steps and processes, including but not limited to site layout; BUILDING locations, designs, and massing; circulation and site access/egress; landscaping; locations of public parks and plazas,

and other public amenities; signage; USES, and, as appropriate, locations and intensity of USES; and requirements, thresholds and conditions for subsequent permits, special permits as appropriate, detailed site plan approvals, detailed building design approvals, and MPD concept plan amendments. The Master Permit and the approved MPD concept plan, as conditioned and limited, once issued shall be deemed the definitive approval of a MPD project and entitles the MPD project proponent to rely on it for purposes of proceeding with design, engineering, project financing, and contracting. The Master Permit together with the approved MPD concept plan shall be recorded at the Registry of Deeds or the Land Court.

The Master Permit may be an all-inclusive permit for all aspects of the development or it may be followed by one or more project permitting steps through site plan approvals, permits, or special permits for USES or other particular circumstances or arrangements as the Master Permit may provide. Hierarchically, these other permits and approvals fall below the Master Permit and shall become addenda or supplements to the Master Permit. The regulations set forth herein intend to allow that the Planning Board may in appropriate cases consider, and procedurally incorporate, these other permits and approvals immediately and as one with the Master Permit.

4.5.5 Minimum Dimensional Requirements – The following minimum dimensional requirement shall apply in the KC-MPD Overlay District as a threshold to qualify for a MPD Special Permit or Master Permit:

- a) Minimum FRONTAGE for TRACTS OF LAND: 300 feet.
- b) Minimum TRACT OF LAND area: 50,000 square feet.
- c) All other minimum requirements shall be the same as in the underlying KC zoning district.

4.5.6 Maximum Dimensional Requirements – The following maximum dimensional requirements shall apply in the KC-MPD Overlay District, and all MPD Special Permit or Master Permit projects shall comply with them:

- a) Maximum height of BUILDINGS: 45 feet.
- b) Maximum FLOOR AREA RATIO: 1.00.
- c) All other maximum requirements shall be the same as in the underlying KC zoning district.

4.5.7 Allowed USES –

- a) USES allowed in a KC-MPD shall be the same as in the underlying KC zoning district. However, all such USES shall be considered as allowed by-right, unless otherwise determined or restricted in the Master Permit.
- b) In addition, Multi Family Dwellings shall be allowed up to 75 percent of the total GROSS FLOOR AREA on the MPD TRACT OF LAND.

4.5.8 Location of USES - Unless specifically approved otherwise in the Master Permit, the locations of USES shall conform to the following standards:

- a) On the BUILDING fronts, the majority of the ground floor shall be occupied, or designed to be available for occupancy, by USES that promote, interact with, and depend on a pedestrian, walkable environment such as Retail Stores; Restaurants; or various Services.
- b) Ground floor Residential USES shall not be allowed within 100 feet of the sideline of a STREET.
- c) The Planning Board may consider alternate location arrangements for USES, particularly where residential USES exist directly on the opposite side of a STREET, if it finds that it enhances the MPD project and the Purposes set forth in Section 5.6.1.

**Comment [k3]:** We discussed that ground floor Residential Uses shall not be allowed within 100ft of primary lot frontage unless the special permit granting authority finds the opposite side of the street has existing residential uses along for the same lineal distance and it won't detract from the overall active mixed use development.

**Comment [r4]:** See new 5.6.3.8 below.

**Comment [r5]:** Is this number too far back? What about 60 or 80 feet.

4.5.9 BUILDINGS Exceeding Three Floors - On the STREET side of BUILDINGS, stories above the third floor shall be gabled, set back or terraced back from the BUILDING front wall, or otherwise architecturally refined, as the Planning Board may determine, to soften the height of the BUILDING.

**Comment [k6]:** Cecil recommended 100ft setback from front yard

4.5.10 Preliminary Review – The Acton Planning Department offers preliminary project review consultations, and preliminary project review meetings that bring together various Town boards and agencies. In addition, the Planning Board offers a preliminary MPD project review meeting with input from other Town boards and agencies, and a non-binding decision that includes recommendations for layout, design and other project matters as they are discernible at the early project conception stage. A project proponent is encouraged to use these services. The Planning Board shall issue such a non-binding decision within 30 days of the conclusion of its preliminary MPD project review meeting.

**Comment [r7]:** I do not think that a 100' setback for 4-story would work out and instead could result in odd looking development projects that "fizzle out" at the edges; and it could constrain the development to a breaking point. The focus should instead be on architectural building and building façade design.

4.5.11 Master Permit – A MPD Special Permit, or Master Permit, issued hereunder shall govern a MPD project and site throughout its development phase and thereafter into the future, and shall be enforceable by the Town in the same manner as any other requirements of this Bylaw.

4.5.12 Required Findings – The Planning Board shall issue a Master Permit for a MPD concept plan, if after review and comments from other Town boards and agencies, including specifically the Design Review Board, and after a public hearing it finds that:

- a) The MPD concept plan is consistent with Acton 2020 (Acton's Master Plan), the Kelley's Corner Improvement Initiative, and the Purposes set forth in Section 5.6.1.
- b) The MPD concept plan is consistent with the Kelley's Corner Design Guidelines as applied to the specific MPD TRACT OF LAND.
- c) And, otherwise meets the special permit findings criteria set forth in Section 10.3.5 of this Bylaw.

4.5.13 Master Permit, Terms and Conditions –

- a) The Planning Board may impose special permit conditions, safeguards and limitations as set forth in section 10.3.6 of this Bylaw.
- b) The Planning Board may impose specific dimensional requirements, not inconsistent with the minimum and maximum requirements set forth above, as it deems appropriate in order to shape the MPD within a specific project site in a manner that is consistent with the Kelley's Improvement Initiative, the Kelley's Corner Design Guidelines, and the Purposes set forth in Section 5.6.1.
- c) The Planning Board may establish requirements for vehicular and bicycle parking and for parking lots that vary from the otherwise applicable requirements set forth in Section 6 of this Bylaw.
- d) The Planning Board may establish rules and requirements for signage that vary from the otherwise applicable requirements set forth in Section 7 of this Bylaw.
- e) The Planning Board may establish requirements for landscaping that vary from the otherwise applicable requirements set forth in this Bylaw except for the minimum required landscape buffers to abutting residential districts.
- f) The Planning Board may require a site plan review, or in the case of phased projects two or more site plan reviews, for the approval of final MPD project plans. In appropriate cases, the Planning Board may issue site plan approvals concurrently with the Master Permit.
- g) The Planning Board may establish which USES shall be allowed or prohibited, and may establish special permit requirements for certain USES, mixtures of USES, locations of USES,

intensity of USES, or change of USES. In appropriate cases, the Planning Board may issue such special permits concurrently with the Master Permit for the initial development and occupancy.

- h) The Planning Board may require special permits for any other circumstances and occurrences as it deems appropriate in order to ensure future consistency with the Master Permit and the approved MPD concept plan, and may in appropriate cases issue such special permits concurrently with the Master Permit for the initial development and occupancy.
- i) The Planning Board may delegate certain matters, including minor project changes to the Planning Department or other Town agencies for administrative permits and approvals.
- j) The Planning Board may establish criteria and thresholds for project changes that require amendments of the Master Permit. Consideration of such amendments shall follow the same procedures and reviews as set forth for the original Master Permit.
- k) The Planning Board may impose any other conditions, safeguards and limitations that it deems necessary and appropriate to effectuate the intent of this Bylaw and to ensure MPD project consistency with Acton 2020, the Kelley's Corner Improvement Initiative, The Kelley's Corner Design Guidelines, and the Purposes set forth in Section 5.6.1.

#### 4.5.14 Master Permit and Special Permit Procedures –

- a) The Planning Board shall issue and file with the Town Clerk its decisions on Master Permit applications and Special Permit applications as set forth herein within 90 days from the date that any such application was received, unless such time is extended by written mutual agreement between the permit applicant and the Planning Board.
- b) Except for the modified timeline, any Master Permit and any special permit required pursuant to a Master Permit shall be governed by the standards and procedures for special permits as set forth elsewhere in this Bylaw and in M.G.L. Ch. 40A.

#### 4.5.15 Site Plan Approval Procedures –

- a) The Planning Board shall issue and file with the Town Clerk its decisions on Site Plan Approval applications as set forth herein within 90 days from the date that any such application was received, unless such time is extended by written mutual agreement between the permit applicant and the Planning Board.
- b) A Site Plan Approval shall only require a simple majority vote of the Planning Board.
- c) In all other respects, any Site Plan Approval required pursuant to a Master Permit shall be governed by the standards and procedures for special permits as set forth elsewhere in this Bylaw and in M.G.L. Ch. 40A.

#### 4.5.16 Rules and Regulations – The Planning Board shall adopt and promulgate Rules and Regulations governing the administration of the aforesaid Master Permit, Special Permits, and Site Plan Approvals, including but not limited to plan and document filing requirements, public notices, and hearing procedures.

- C. In Section 5 - Table of Standard Dimensional Regulations, in the Business District group, delete the line for the KC (Kelley's Corner) Zoning District, and replace it with the following new line:

DISTRICT	ZONING DISTRICTS	MINIMUM LOT AREA insq.ft.	MINIMUM LOT FRONTAGE in feet	MINIMUM LOT WIDTH In feet	MINIMUM FRONT YARD in feet	MINIMUM SIDE & REAR YARD in feet	MINIMUM OPEN SPACE in percent	MAXIMUM FLOOR AREA RATIO	MAXIMUM HEIGHT in feet
BUSINESS DISTRICTS	KC(15)	10,000	100	50	20	NR(6)	NR	0.20	36

Comment [r8]: Review and adjust as needed.

And delete footnote (6), and replace it with the following new footnote (6):

- (6) Where the LOT directly or indirectly abuts a residential zoning district, the minimum side or rear yard to the residential zoning district boundary shall be not less than 50 feet. On LOTS in existence on or before February 15, 1990 where this side or rear yard requirement exceeds 20% of the LOT depth, the requirement may be reduced to 20% of the LOT depth, but not to less than 30 feet. Lot depth shall be measured in a line that is perpendicular to the applicable side or rear LOT line.

And delete footnote (15), and replace it with the following new footnote (15):

- (15) Section 4.5 establishes the Kelley's Corner Master Planned Development (KC-MPD) Overlay District with different thresholds and dimensions.

- D. Delete Sections 5.6 - Special Provisions for the Kelley's Corner District, and 10.4.3.5.2) - Special Landscaping Standards for the Kelley's Corner District, and replace them with a new Section 5.6 as follows:

## **5.6 Special Provisions for the Kelley's Corner District**

- 5.6.1 **Purposes** – In the Kelley's Corner District, the principal goals guiding the zoning regulations set forth herein are to encourage and sustain a vibrant town center and to safely and efficiently accommodate people using all transportation modes. These regulations will provide guidance for the development and redevelopment of land in Kelley's Corner consistent with Acton 2020 (Acton's Comprehensive Community Plan) and the Kelley's Corner Improvement Initiative. They will help create the form, cohesion, order, and supporting infrastructure that will identify the Kelley's Corner District as an attractive, walkable, pleasant, and desirable town center for living, business, shopping, and community activities.  
  
The zoning regulations intend to encourage sustainable mixed-use redevelopment of properties into places where people may enjoy living, working, shopping and socializing. Emphasis is on architecture and site layout that result in places where people want to be. Expectations include BUILDINGS with interesting and articulated facades, and details at the STREET and sidewalk level that invite interest, interaction and BUILDING access; outdoor plazas and pocket parks as informal gathering places; minimum parking for motorized vehicles necessary, but sufficient to support the land USES on the site; generous pedestrian and bicycle accessibility, safety and comfort; and effective, resilient, and low maintenance landscaping, including shade trees. Site access and egress from and to STREETS will be managed and accommodated with sufficient spacing between access driveways to minimize on-STREET congestion. The Town has established Kelley's Corner Design Guidelines and a Design Review Board to assist with achieving the aforesaid purposes.
- 5.6.2 **Standards** – The Site Plan Special Permit Granting Authority shall require compliance with the following standards on all LOTS in the KC District. In determining compliance, the Site Plan Special Permit Granting Authority shall consult the Kelley's Corner Design Guidelines and solicit detailed advice from the Design Review Board:
  - 5.6.2.1 Buffer to Single Family Zoning Districts - Where a business, industrial or multi-family USE, or a parking lot abuts a Single Family Residential District, the Board of Selectmen shall require a substantially opaque landscape buffer of at least 20 feet in depth that is designed to reduce noise and other impacts on abutting Single Family Residential Districts.
    - a) Where deemed appropriate and necessary to protect abutting Single Family Residential USES, the Board of Selectmen may require an increase in the width of this landscape buffer to 30 feet.

- b) In areas where abutting LOTS in Single Family Residential Districts have Single Family Dwellings on them, the Board of Selectmen may require that this buffer shall include a fence, up to eight feet in height, designed to prevent access to the abutting LOTS.
- 5.6.2.2 Sidewalks and Walkways – Sidewalks shall be installed along the LOT'S FRONTAGE on a STREET or on STREETS, and walkways shall be provided between BUILDING entrances and the nearest STREET or STREETS with minimal interruption by driveways.
- a) Parking lot aisles, and access and interior driveways do not count as walkways.
  - b) Sidewalks along STREETS shall be at least 8 feet wide.
  - c) Sidewalks may be located within the layout of STREETS or on LOTS.
  - d) Unless directed otherwise by the Site Plan Special Permit Granting Authority, sidewalks shall be separated from vehicular roadways with buffers at least 3 feet wide having landscaped or hardscaped surfaces and where possible room for trees, light poles, and street furniture.
- 5.6.2.3 STREET Trees – As a baseline standard, shade trees shall be placed behind sidewalks at 40-45 foot intervals and provided with adequate space to reach maturity. The Site Plan Special Permit Granting Authority may modify this standard to adjust for site-specific circumstances such as building or driveway locations, while ensuring the adequate provision of STREET trees.
- 5.6.2.4 Driveways and Parking Lots –
- a) No driveway or parking lot shall be placed in the space that is directly between a BUILDING and a STREET. However, driveways and parking lots may be placed in the front of a BUILDING that is located in or towards the rear of another BUILDING when viewed from a STREET.
  - b) Vehicular driveways and parking lots may be located to the side and rear of BUILDINGS. On the sides of BUILDINGS nearest to a STREET, parking lots shall not be located between the sideline of a STREET and the front line of such adjacent BUILDINGS on the same LOT.
  - c) Driveway and walkway connections shall be provided to abutting LOTS within the KC District. Where such connections are not available due to current conditions on abutting LOTS, provisions shall be required to connect to such abutting LOTS at a future date in locations determined by the Site Plan Special Permit Granting Authority.
  - d) Access driveways shall be shared as common driveways with adjacent LOTS whenever possible. Where such sharing of driveways is not possible due to current conditions on abutting LOTS, provisions shall be required to create such common driveways at a future date in locations determined by the Site Plan Special Permit Granting Authority
- 5.6.2.5 Connectivity - LOTS in the KC District shall have pedestrian and bikeway connections to abutting neighborhoods and facilities outside the KC District. Where such connections are not available due to current conditions in the surrounding area, provisions shall be required for such connections at a future date in locations and by means that the Special Permit Granting Authority may determine.
- 5.6.2.6 BUILDING Design and Layout – Building designs and layouts shall be consistent with the Kelley's Corner Design Guidelines. In addition the follow specific requirements shall apply:
- a) The sides of BUILDINGS that face a STREET or STREETS are referred to herein as the BUILDING front(s) or BUILDING front facade(s).
  - b) At least 60 percent of the front side of a LOT facing a STREET, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS that are located within 30 feet of the STREET sideline. A portion not exceeding half of this requirement may be taken up by a pedestrian plaza. A minor reduction of the aforesaid 60 percent requirement may be

allowed provided the Site Plan Special Permit Granting Authority finds that the alternative design features are consistent with Section 5.6.1 of this Bylaw.

- c) On the BUILDING fronts, the majority of the ground floor shall be occupied, or designed to be available for occupancy, by USES that promote, interact with, and depend on a pedestrian, walkable environment such as Retail Stores; Restaurants; or various Services.
- d) The main business entrance to each ground floor business, identified by larger doors, signs, canopies, awnings or similar means of highlighting, shall be from the BUILDING front.
- e) Retail Stores with a NET FLOOR AREA larger than 20,000 square feet may have a second main entrance in another location, for instance towards a parking lot in the rear or the side of a BUILDING.
- f) The Site Plan Special Permit Granting Authority may waive the minimum front yard requirement for covered or uncovered BUILDING entrances, canopies, awnings, or similar architectural features, and for outdoor seating areas.
- g) The main features of the architectural treatment of the BUILDING front facades, including the materials used, shall be continued around all sides of the BUILDING that are visible from a STREET. The Site Plan Special Permit Granting Authority may approve alternate treatment of side and rear BUILDING walls that is consistent with Section 5.6.1 of the Bylaw and preserves the architectural integrity of the BUILDING as a whole.
- h) Roof slopes shall have a pitch between 8/12 and 10/12 (vertical/horizontal) and have overhanging eaves of at least one foot.
- i) Single story flat roof BUILDINGS shall have a minimum height of 25 feet.
- j) Garage doors and loading docks shall not be allowed in the BUILDING fronts.
- k) BUILDING service and loading areas shall incorporate effective techniques for visual and noise buffering from adjacent USES.
- l) Mechanical equipment shall not be visible from the STREET.

E. Amend Section 6.9.5 - Special Provisions for Parking in the Kelley's Corner District, as follows:

1. Insert new Sub-sections 6.9.5.2 and 6.9.5.3 as follows:

- 6.9.5.2 No driveway or parking lot shall be placed in the space that is directly between a BUILDING and a STREET. However, driveways and parking lots may be placed in the front of a BUILDING that is located in or towards the rear of another BUILDING when viewed from a STREET.
- 6.9.5.3 Vehicular driveways and parking lots may be located to the side and rear of BUILDINGS. On the sides of BUILDINGS nearest to a STREET, parking lots shall not be located between the sideline of a STREET and the front line of such adjacent BUILDINGS on the same LOT.

And renumber the current Sub-sections 6.9.5.2 through 6.9.5.5 to become Sub-section 6.9.5.4 through 6.9.5.7 respectively.

2. Delete Subsection 6.9.5.5 (as renumbered to 6.9.5.7 above) - Design Requirements and Landscaping, and replace it with new Subsections 6.9.5.7 and 6.9.5.8 as follows:

- 6.9.5.7 Design Requirements – The parking lot design requirements of Section 6.7 shall not apply in the KC District. Off-STREET parking spaces, except parking spaces serving a single to four-FAMILY residential USE or an Assisted Living Residence with 10 or less residents, shall be



either contained within a BUILDING or STRUCTURE or subject to the following requirements.

- a) Required parking spaces, ACCESS driveways, and interior driveways shall be provided and maintained with suitable grading, paved surfaces, adequate drainage, and landscaping as required in Section 6.9.5.6.
- b) ACCESS Driveways – Not more than one ACCESS driveway from a STREET to a parking facility shall be permitted. One additional ACCESS driveway from another STREET may be permitted.
- c) Common ACCESS Driveways – Access driveways shall be shared as common driveways with adjacent LOTS whenever possible. Where such sharing of driveways is not possible due to current conditions on abutting LOTS, provisions shall be required to create such common driveways at a future date in locations determined by the Site Plan Special Permit Granting Authority.
- d) Driveway width - Driveways shall be twenty feet (20') wide for two-way traffic and fourteen (14) feet wide for one-way traffic. Greater width may be permitted for intersection roundings and curves as needed, but only to the extent needed to safely accommodate all expected vehicles types.
- e) Set-Backs – Except where parking lots established in accordance with Section 6.9.5.4 cross over common LOT lines, and except where greater setback dimensions are required under sections 5.6.2.1 and 6.9.5.3 of this Bylaw, all parking spaces and paved surfaces other than ACCESS driveways or common driveways shall be set back a minimum of five (5) feet from any LOT lines.

6.9.5.8 Landscaping of Parking Lots – Parking lots shall include a landscape area equal to a minimum of five percent (5%) of the area of the parking lot.

- a) Shade trees – At least one shade tree shall be provided for each two thousand (2,000) square feet or less of pavement area. Each shade tree shall be from a deciduous species rated for U.S.D.A. Hardiness Zone 5 that is expected to reach at least 30 feet in height at maturity; be at the time of planting at least seven (7) feet in height with a trunk caliper size of at least 3/4 inches; and be surrounded by a landscaped area of two hundred square feet (200 sq. ft.) to accommodate the root system of the mature tree.
- b) Perimeter Planting Strip – Parking lots adjacent to STREETS, sidewalks, paths, ACCESS driveways and BUILDINGS shall include a perimeter planting strip at least seven and one-half (7.5) feet wide. However, if the planting strip is protected from vehicular damage through the use of planting beds that are raised above the surface of the parking lot at least twelve (12) inches or through the use of bollards or balustrades, the width of the planting strip may be reduced to five (5) feet. Said planting strip shall feature a physical separation of the parking lot and adjacent ways of at least two and one-half (2.5) feet in height. This physical separation may be created through the use of plantings, walls, or fencing (other than chain link or smooth concrete) or a combination of plantings and fencing. No more than twenty percent (10%) of this perimeter planting strip shall be impervious.
- c) Placement of Landscaped Areas - Landscaped areas shall be arranged so that no parking space is located more than ninety (90) feet from a landscape area.
- d) Plantings – Plantings for landscaped areas shall include a mixture of flowering and decorative deciduous and evergreen trees and shrubs and shall be planted with suitable ground cover.



- e) Additional landscaping may be required by the Site Plan Special Permit Granting Authority to better screen the parking lot from the STREET and adjacent USES.
- f) Sight Distance – All landscaping along any STREET FRONTAGE shall be placed and maintained so that it will not obstruct sight distance.
- g) Protection of Landscaped Areas – Landscaped areas shall be planted and protected in such a manner that the plantings will not be damaged by vehicles.
- h) Landscaped areas shall be reasonably cared for and maintained in good condition; plants that die or become diseased shall periodically be replaced with suitable and equivalent substitutes.

F. In Section 5.2 - Methods for Calculating Dimensional Requirements, delete Sub-section 5.2.7.2 and replace with a new Subsection 5.2.7 as follows:

5.2.7.2 Height in Feet, BUILDINGS – Height in feet shall be the vertical distance measured from the mean of the finished ground level adjoining the entire BUILDING at each exterior wall (a) to the mean elevation of the roof beams of a flat roofed BUILDING, or (b) to the mean level of the roof slopes of a pitched roof BUILDING.

G. In Section 8.8 - Public Acquisition, add the following sentence:

“In the KC District, any dimensional ratios or percentages in this Bylaw that are derived from, dependent on, or otherwise use the LOT or TRACT OF LAND area, for instance as a basis for determining DEVELOPABLE SITE AREA, or FLOOR AREA RATIO, shall be calculated from the area in existence before the public acquisition.”

## **SUMMARY**

--- (to be expanded when article near final) ---

This article establishes new and amended zoning standards for the Kelley’s Corner district.

Part A: Establishes the Master Planned Development (KC-MPD) Overlay District on the Zoning Map superimposed on the Kelley’s Corner zoning district. As a result there will be for Kelley’s Corner an underlying zoning district with certain dimensional and use regulations; and a superimposed overlay district with different requirements.

Part B: Establishes the superimposed Master Planned Development (KC-MPD) Overlay District in the Zoning Bylaw with:

- Minimum qualifying thresholds:
  - site control of 50,000 square feet;
  - site frontage 300 feet.
- Maximum limits:
  - building height 45 feet;
  - FAR 1.00
- Residential uses allowed up to 75% of gross floor area
- Process and standards for master plan development special permit; a permit that approves an overall concept master development plan for a site and governs its entire subsequent permitting and development process.

Part C: Amends and clarifies dimensional requirements for the underlying Kelley's Corner District. Most significantly, the maximum floor area ratio (FAR) is reduced to 0.20.

Part D: Amends the special provisions for the underlying Kelley's Corner District such that more special provisions to buildings below FAR 0.20. Special provisions deal with building designs and locations, buffers and screening, landscaping, location of driveways and parking lots, etc.

Part E: Amends the special regulations for parking lots and driveways in the underlying Kelley's Corner District with respect to placement, access, setbacks, and landscaping.

Part F: Changes and clarifies the method by which building height is measured.

Part G: In anticipation of future public right-of-way acquisitions in Kelley's Corner, inserts an exemption to provide that development densities can rely on the land base before any acquisition.

(Note: Review the Sewer assessment bylaw (General Bylaw D.10) to see if any clarifications or changes may be necessary and/or advisable).

Direct inquiries to: Roland Bartl, AICP, Planning Director – (978) 929-6631  
Selectman assigned: \_\_\_\_\_ – E-mail: bos@acton-ma.gov

**Recommendations:**      **Board of Selectmen**      **Finance Committee**      **Planning Board**